

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

VICTOR VASQUEZ,

Petitioner,

-v-

Case No. 05-C-90

PHIL KINGSTON,

Respondent.

DECISION AND ORDER

On February 24, 2005, after conducting an initial review of Victor Vasquez's petition for a writ of habeas corpus, the Court ordered the respondent to file an answer no later than March 28, 2005. On March 16, 2005, the respondent filed a motion to dismiss the petition as untimely filed, and a motion to stay the filing of the answer pending the disposition of the motion to dismiss. In response, on April 13, 2005, Vasquez filed a motion for an extension of time to file a response brief to the motion to dismiss. He then filed his response brief on May 2, 2005.

The Court will grant the respondent's motion to stay the filing of the answer pending the disposition of the motion to dismiss. The Court will also grant Vasquez's

motion for an extension of time to file a response brief, and consider the arguments in the response brief that he filed on May 2, 2005.

The respondent shall be afforded an opportunity to file a reply brief, and may do so no later than February 20, 2006.

NOW, THEREFORE, BASED ON THE FOREGOING, IT IS HEREBY ORDERED THAT

The Respondent's Motion to Stay (Docket No. 6) is **GRANTED**.

Vasquez's Motion for an Extension of Time (Docket No. 8) is **GRANTED**.

The respondent may file a reply brief no later than **March 2, 2006**.

Dated at Milwaukee, Wisconsin, this 9th day of February, 2006.

SO ORDERED,

s/ Rudolph T. Randa
HON. RUDOLPH T. RANDA
Chief Judge